

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/988,479 12/10/97 FEIN

M 009103-01400

020350 MM42/0202
TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111

EXAMINER

WISE,R

ART UNIT

PAPER NUMBER

2881

DATE MAILED:

02/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	988,479	Fein
Examiner	Wise	Group Art Unit
		2874

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 11/15/99

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

Claim(s) 1-54 is/are pending in the application.

Of the above claim(s) 32-47 is/are withdrawn from consideration.

Claim(s) 27-31 and 48-50 is/are allowed.

Claim(s) 1 is/are rejected.

Claim(s) 2-26 and 51-54 is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on _____ is approved. disapproved.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

Art Unit: 2874

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kugimiya. The Kugimiya reference shows a non-imaging waveguide (with air guiding the light) and the reflective surface capable of directing light around a corner. One side of the mirror can be considered a port and the other side of the mirror can be considered a second port, since a port is only an opening through which something can pass.

Claims 2-26 and 51-54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2874

RESPONSE TO APPLICANT'S ARGUMENTS

The applicant asserts that Kugimiya is not non-imaging. The examiner does not understand how this is possible since the reflective means is the same as that of the invention. If the invention is non-imaging, then Kugimiya must also be non-imaging in the same sense. While the Kugimiya reference does speak of imaging, it does not define the device as an imaging device. The imaging spoken of is that an image (of some sort) will be made on a projection screen.

The applicant asserts that Kugimiya is not a waveguide. The examiner believes that it is a waveguide because it does in fact have a reflecting surface 23 which confines EM radiation. It is true that the reflecting surface is not a container as in an optical fiber, but it would meet a broad definition of waveguide.

Any inquiry concerning this communication should be directed to R. E. Wise at telephone number (703) 308-4880.



Robert E. Wise

Examiner - Art Unit 2874